

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

GREGORY COLBURN et al.,

Defendants

Case No. 1:19-cr-10080-NMG

**REPLY TO GOVERNMENT’S RESPONSE IN OPPOSITION TO DEFENDANT
JOHN WILSON’S REQUEST FOR AN EVIDENTIARY HEARING**

The government raised the issue of obstruction of justice. It now seeks the benefit of its allegation while evading its burden of proving the allegation. There is absolutely no truth to the government’s claim that Defendant John Wilson obstructed justice. Wilson attended part of the September 28, 2018 FaceTime call with Rick Singer. The evidence supporting Wilson is overwhelming and unequivocal. It would be unfair for the government’s allegation—unsupported by witness testimony—to impact Wilson’s sentencing in any way.

This issue is not moot. Simply because the government’s recommendation is less than the Guidelines range Probation calculated does not resolve the issue. It is this Court, not the government, that determines Wilson’s sentence. And it is the possibility of the Court considering the government’s allegation when fashioning Wilson’s sentence and considering the extent of any downward departure that motivates his request for an evidentiary hearing.

The government’s obstruction allegation can be decided and denied on the papers. If, however, the papers raise any questions or concerns for the Court then Wilson asks to be able to submit live witness testimony. This would allow the Court to assess the credibility and demeanor of witnesses and obtain additional detail, which would put the issue to rest in a fair manner.

Respectfully submitted,

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/s/ Michael Kendall

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Date February 14, 2022

CERTIFICATE OF SERVICE

I hereby certify that the above document is being filed on the date appearing in the header through the ECF system, which will send true copies to the attorneys of record.

/s/ Michael Kendall

Michael Kendall